

District V Advisory Board Minutes
September 10, 2001
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The District V Advisory Board meeting was held at 7:00 p.m. at the Auburn Hills Golf Course Clubhouse at 335 S. 135th Street West. In attendance were the District V City Council Member, four (4) District Advisory Board Members, XX (4) City staff, and approximately sixty (60) citizens with fifty-five (55) signing in.

Members Present

David Almes
Bob Bulman
Sean Cash
Andy Johnson
Teresa Schmidt
Council Member Bob Martz

Staff

Rian Harkins, Planning
Marvin Krout, Planning
Officer XX, Police
Dana Brown, City Manager's Office

Guests (listed on page X)

Members Absent

David Dennis
Maurice Ediger
Fran Hoggatt
Margarita Farelle-Hunt
Bob Sorenson

ORDER OF BUSINESS

Call to Order

Council Member Martz called the meeting to order at 7:05 p.m., stating the purpose of the District V Advisory Board as community advisors to him as the District V City Council Member. Council Member Martz explained that although he chairs the Board meetings, the actions taken by the Board do not include a vote by him, even in the case of a tie. He said that his opportunity to vote occurs at the City Council meetings when he considers the feedback of the Board for his vote. He informed the public that the meeting provides them with an opportunity to voice their opinion on City issues. He asked that the public attending the meeting conduct themselves with the same appropriate behavior that is expected in the Council Chambers.

Council Member Martz also introduced three (3) ex-official members who represent area high schools and serve as youth members of the board: Debbie Scrafford, Bishop Carroll High School; Brendan Groves, Maize High School; and, Christina Krostelecky, Northwest High School. He stated that the new members were introduced at the last meeting but due to several Board Members being absent, he wanted to introduce the youth again. He expressed his appreciation for their willingness to take an active interest in community involvement in local government.

Approval of Minutes

The minutes of the August 6, 2001 meetings were corrected with changes in the members and staff listed as attending and absent.

Board Agenda

Community Police Report

A **Police Officer** from the West Patrol Station provided a report in Officer Lacy's absence. He reported that most of the recent crime was larceny and theft by juveniles. Some issues results from gathering of youth at certain sites, such as Little Joe's Car Wash on 21st Street where 50-60 cars have been noted. Drag racing is also a problem in Police Beats 18 & 19.

No action necessary.

Update on Committee Work regarding Traffic Issues for Westport & Maize

DAB Member Dave Almes reported that the traffic counts for the area are to be conducted during this week and that Officer Lacy had reported that several speeding tickets had been written in the area. **Brendon Groves**, ex-official member representing Maize High School and a resident of the subject area reported that increased traffic was noticeable in the area. The **Officer** attending the meeting stated that the majority of speeding tickets written on 17th Street have been residents.

No action taken pending traffic counts and committee work.

Update on West Central & 135th Street safety concerns

Pictures were shown of the work completed on the curve in this area. Street markers with larger directional chevrons were added as well as a barrier along the curve. The Board Members expressed satisfaction that the site of several past accidents had been marked for increased visibility.

No action necessary.

Planning Agenda

ZON2001-00031 & CUO2001-00048 DP 184 – West of Maize Road on the south side of 21st Street North (10711 W. 21st Street)

Donna Goltry, Planning Department, presented information regarding a request to change the current zoning from LC, Limited Commercial, and amend DP to allow a furniture store. Goltry stated that MAPC had previously reviewed the case and voted to approve with conditions, as listed in the Staff Report.

She then noted several conditions involved in the case. The applicant proposed to build a rectangular shaped building due the rectangular shape of the lot and had agreed to apply a stucco-like finish to three sides--north, east, and west sides--in congruence with other similar architecture in the area. She stated that the applicant had agreed to a list of prohibited uses as requested by the neighbors and was proposing to build a furniture store. The issue of access management was explained as an effort to share parking with the business next door, Denning's Greenhouse.

However, the owner of the Greenhouse was opposed to a sharing situation during the three months that his business is open in the summer. A private agreement was being discussed between the applicant and the business owner. Planning staff had recommended signage no larger than 100 square feet but the Metropolitan Area Planning Commission (MAPC) had voted to allow 107 square feet. Landscaping along the west side will be one and half times the requirements of the Landscape Ordinance. MAPC also added conditions of non-glare outdoor lighting and trees.

Bob Kaplan, agent for the applicant, addressed the Board by first noting the meetings that had occurred including a development review with Planning staff; discussion with the President of the Timber Ridge Homeowner's Association; and with several neighbors as individuals. Kaplan said the applicant is proposing to build a furniture store to be named Ashley Furniture Store. He stated that the applicant had increased the trees to be planted by 50%. Although cross-lot access was planned, the adjacent property owner—owner of Denning Greenhouse—is opposed. Kaplan said the applicant is proposing to keep the cross-lot access in the CUP but accommodate Denning by entering into a private treaty to barricade while the greenhouse is owned by Denning and operating only three months during the year. **Goltry** added that the proposal for a private treaty would be contingent upon Law Department review. She noted that the CUP goes with the property and not the property owner.

Patti Gerdes, Secretary-Treasurer for the Timber Ridge Homeowners Association, 2114 N. Parkdale, addressed the Board by stating that the Homeowners Association (HOA) is opposed to the metal building but is supportive of the stucco-like effacing proposed by the applicant for three sides of the building. However, Gerdes pointed out that ten homes would still view the south side of the building that would be metal. She said that the HOA is pleased that the six-foot masonry wall proposed by the applicant would tie into the existing HOA wall and that the trees would be added. **One of the Ex-Official Student Board Members, Christina Krostelecky**, asked if the trees to be planted would be tall enough to help shield the view of the building for the homeowners. Board Member Schmidt asked if the trees would be taller than the wall; **Goltry** said the wall was six foot tall and the young trees would need three-four years to grow to be taller than the wall.

Johnson (Schmidt) moved that the Board recommend approval based on the outcome of Law Department's approval for the applicant to proceed with the contingency. Some discussion took place on having the fourth side of the building effaced. The vote passed 4:1. **Schmidt** then moved that recommendation for approval include the need for effacing the fourth side. Motion failed due to lack of a second.

Action: Recommended approval contingent on Law Department's approval for the cross-lot parking to be included in the CUP with an agreement between the applicant and the Denning Greenhouse owner to limit the cross-lot parking to the nine months of the year when the greenhouse is open. Motion passed 3:1.

5. **ZON2001- 00047 – Located on east side of Maize Road, ½ mile north of 21st Street North**
Donna Goltry, Planning Department, presented the information about the request to change the current zoning of SF-5, Single Family, to NR, Neighborhood Retail and GO, General Office. Goltry stated that the Planning staff had recommended that the request be denied due to the mid-block location within a residential area. However, the site is directly across the street from the New Market Square commercial development and MAPC approved the request with the condition that the retail and office area be separated from the residential area with a masonry wall.

Jeff Englert, 11018 Sterling Court, spoke in opposition due to the adjacent location of his residential property. He recognized that development will occur on the site but he stated that the property owner had previously told him that the site would be developed as neighborhood office or residential. Englert also stated that drainage problems currently exist.

Bulman (Almes) moved that the Board support MAPC's approval of the zone change. Motion passed 4:0.

Action: Recommended approval of the request to change the zoning by a vote of 4:0.

ZON2001-00052 & CUP2001-00033 DP-37 Ridge Plaza C.U.P. Amendment #4 – Located at Taft & Emerson, just east of Holland Lane

Donna Goltry, Planning Department, presented information that the request was to change the current zoning of LC, Limited Commercial to GC, General Commercial and amend the DP-37 Ridge Plaza C.U.P. to allow more intensive uses on Parcels 11-13 and 18-20. Goltry explained that the C.U.P. area was very large including businesses such as Palace Theatre on Ridge to the west and Lowe's Home Improvement to the east and the six subject properties are interior to the C.U.P. The requested change in zoning would allow more intensive uses. Staff is recommending approval of the request with the conditions listed in the Staff Report due to a thirty-year history of no development in accordance with the Golden Rules. Because the area serves as a gateway from Mid-Continent Airport into Wichita, use of certain parcels would need to conform to standards for a positive visual image to motorists. The recommended conditions pertain to signage, screening for rooftops, landscaping, and other visible factors.

Board Members expressed some concern about the wording in condition #4 requiring equipment and storage areas to be screened "unless it would be prohibitively expensive due to grade differences. . . .necessary to obscure these views." They felt that "prohibitively expensive" is too general.

Action: Bulman (Johnson) moved to recommend approval as recommended by staff and MAPC. Motion passed 4:0.

Action: Approval recommended by a 4:0 vote.

7. ZON2001-00001 – South of 29th Street North and east of Ridge Road (6501 W. 29th St. N.)

Bob Bulman noted that the request should be corrected on the agenda to state a request to change current zoning of LI, Limited Industrial, to SF, Single Family Residential and NO, Neighborhood Office.

Goltry then explained that the applicant is proposing to plat the subject property as the Barefoot Bay Estates Addition with one area as Neighborhood Office for one home and another area divided into eight lots as shown on the map provided. She noted the property is adjacent to the Barefoot Bay Additions One and Two. Goltry continued that the request for Single Family is in agreement with the Land Use Guide of the 1999 Update to the Comprehensive Plan. However, the Neighborhood Office does not serve a transition purpose as recommended in the Guide although the area is adjacent to an arterial street as recommended. However, staff thought the requested

“down zoning” from Limited Industrial to Neighborhood Office is more in line with the Land Use Guide overall. Given these factors, staff recommended the request be approved.

Phil Meyer, agent for the applicant, addressed the Board and first indicated the possibility of a conflict of interest for a Board member, Bob Bulman, due to his residency in one of the Barefoot Bay Additions adjacent to the subject property. Bulman responded that he did not plan to vote in any action for the request. **Meyer** acknowledged Bulman’s response.

Meyer continued by saying that he wanted to clarify this request as a land use issue. He explained that a lawsuit is currently pending regarding the issues with use of the lake. Both Barefoot Bay Additions and the subject property surround the lake. Meyer stated that the request to “down zone” to Neighborhood Office and Single Family is a positive step as the existing zoning of Limited Industrial allows several uses that might not be desired by the adjacent property owners. In addition, the zone change would allow development that would provide a better view across the lake for existing property owners. The Neighborhood Office request is a response from an interested buyer who currently lives in the county where he operates a home office with two employees. However, the City does not allow employment in Single Family zoned areas; the Neighborhood Office designation in the City would provide for continuation of the current situation for the party interested in the property.

Almes asked questions about the size of the lots and if the subject property was part of the original Barefoot Bay Homeowners Association. **Meyer** said it was not part of the homeowners association and that had caused some issues with use of the lake. **Bulman** asked if the lot eight as shown on the map of proposed plats, is the lot requested for Neighborhood Office zoning and the one that Goltry referred to as a buffer? **Meyer** said that would be true if the request was for “zoning up.” Bulman then asked how long the subject property had been vacant to which Meyer said that the property had a building on it for several years that was used for employee socials for Ritchie Corporation.

Public comments and questions included the following:

- **Shelly Moore, Barefoot Bay Homeowners Association**, read a statement outlining several issues with adding more residents to the area around the lake, therefore adding more lake users—safety due to increased lake users; conflict with original intent of the area; and new residents would not be part of the HOA and not subject to the existing rules and regulations on the use of the lake.
- **Carolyn Bedford** said that she was opposed to a Neighborhood Office in the middle of the subdivision; that the lots would be too small in comparison to the Barefoot Bay lots; and increased numbers on the lake would jeopardize safety for all.
- **Janet Gordon** read a letter opposing the zone changes because it wasn’t what the area was intended to include.
- **Mike Shell**, applicant, stated that he was a resident if Barefoot Bay HOA when he purchased the property and a court of law had recently ruled that additional homeowners was allowable.
- **Larry Bedford** stated that Mike Shell had told him that the size of the lots within the subject property would be smaller than the lots in Barefoot Bay HOA.
- **Tom Docking**, representing Shelly Moore and other residents, stated that the legal questions had not been resolved and should be addressed before a decision is made.
- **Gary Cook, Barefoot Bay HOA resident**, stated that the lot sizes proposed by the applicant are too small and not congruent with the size of the other lots around the lake.

- **Mark Rehwinkel, 2929 N. Hoover**, said that his property was 3 acres and that the lot area planned for each of the eight properties would not be congruent with the established lot sizes in the area. He also said he had concerns about safety issues with use of the 120 acre lake if the number of property owners with access to the lake is increased.
- **Jelene Grady, 2744 N. Northshore Court**, stated that the applicant was proposing eight lots because this would provide more financial benefit to him. She noted that the configuration of the lots, as shown on the map, would provide access to the lake for each of the eight property owners. That would entitle them to build more boat docks and place more boats on the lake.
- **Janet Bouly, 2768 Northshore Court**, said that her lot is 2.7 acres. She expressed issues with what the Realtor had told them about future growth and use of the lake.
- **Kevin Sherman, a resident of Barefoot Bay First Addition**, said the Realtor had told them that the maximum number of lots with access to the lake would be fifty-one (51);
- **Mike Shell, applicant**, said the judge had ruled on the lake use. He handed the Board a set of pictures as examples of other homes in the area and the current view of the concrete plant.

Almes said that he keeps hearing what property owners were told. **Meyer** replied that what each person was told could be accurate with a particular landowner; but it also could change. Meyer said that they need to be considering the current uses allowed for Limited Industrial zoning.

Chris McKay, attorney for the applicant, stated that the pending lawsuit restricts what attorneys for either side can say. **Bedford** responded with the question of whether this issue should be tabled until the court rules on the pending case. **Meyer** stated that the zoning request needed to be pursued; the first lawsuit has been resolved but the second one was filed last week. **Docking** stated that the applicant is trying to seek improper use of the land.

Sherman stated that he bought his property knowing the subject property was zoned as Limited Industrial and the existing zoning is not an issue for him. **Gary Cook**, landowner adjacent to the subject property said that he bought his property not planning on much traffic on 29th Street but the additional property owners would have an impact on traffic. **Moore** said that approval of the zone request and the subsequent proposed development would have negative effects on the homeowners in the area relating to safety, incurred expense, and future impact.

Mike George noted that only about ten of fifty property owners were in attendance; were the others opposed, too?

Bulman noted three issues of concern: 1) land use is not an issue for the residents because the request is for down-zoning but the change in the zoning would result in more lake use; 2) the covenants for Barefoot Bay Additions One and Two state that a lot cannot be subdivided; and, 3) the area for the Neighborhood Office is in the middle of a residential area.

Johnson asked if the property owner has legal access to use the lake? **Meyer** responded that the issue had not been finalized yet but it was not part of the original covenants.

Bedford stated that the Homeowners Association had paid the property tax on the lake as common property, denoting the HOA as the owner.

Almes (Schmidt) moved to defer for one month. Motion carried 3:0 with Bulman not voting due to conflict of interest.

Council Member Martz said that MAPC would review on September 20; DAB V would review the case on October 1; and, the City Council would review after the DAB.

Action: Defer until October 1st meeting by a vote of 3:0.

Proposed Revisions to the Wichita-Sedgwick County Comprehensive Plan

Presentation of this item was deferred until the next meeting.

Unfinished Business

No items scheduled

New Business

No items scheduled

Other

Updates, Issues, and Reports

No issues were presented for neighborhood concerns.

Action: Address as appropriate, or receive and file.

Miscellaneous

Council Member Martz stated that District VI is forming a task force to re-evaluate the study information on a bridge over the floodway, and is requesting a member of the DAB V to also serve. He asked Bulman if he would be willing, and Bulman said he would if no other members were interested in serving. **Bulman** then asked the Board Members if anyone had changed positions on the site for a bridge. No members indicated their thinking had changed although **Bulman** stated that he felt 21st Street would be acceptable except for the expense. He noted that the Board had previously voted on three separate recommendations including 13th as first choice; a second bridge be included in the Capital Improvement Plan in the next 5-10 years, targeting 25th to 29th Street; and encourage the City to be pro-active in acquiring land to accomplish the projects.

Council Member Martz called attention to the notice of street closures on 119th, from Kellogg to Maple, and on Maple from 135th to 119th.

He then asked for suggestions for citizens to serve on the Library Board. **Almes** suggested Barbara Baker as a former librarian for Northwest High School.

No Action Required.

Next Meeting

The next scheduled meeting of the District V Advisory Board is scheduled for October 1, 2001 at 7:00 p.m. in the meeting room of the Auburn Hills Golf Course Clubhouse.

With no other business, **Council Member Martz** adjourned the meeting at 10:58.

Respectfully Submitted,

Dana Brown, Neighborhood Assistant
City Council District V